

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:21-CR-00039-BCW-1
)	
OSWALDO F. POZO,)	
)	
Defendant.)	

ORDER

Before the Court is Magistrate Judge Jill A. Morris' Report and Recommendation (Doc. #215) concerning Defendant's competency to stand trial and assist in his defense.

On February 13, 2024, this Court found Defendant incompetent and ordered, upon a space becoming available at a suitable medical facility, he be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d). (Doc. #190). On October 30, 2024, Defendant was admitted to a suitable facility for a reasonable restoration period not to exceed four months.

On February 12, 2025, the Government filed a motion for further mental examination of Defendant to determine mental competency. (Doc. #207). On February 18, 2025, the Government filed a second motion for further mental examination. (Doc. #209).

On March 3, 2025, Judge Morris held a competency restoration hearing at which the forensic psychological report prepared by Katlyn Hanson, Psy.D., and reviewed/signed by Elizabeth A. Tyner, Ph.D., dated February 25, 2025, was presented. (Doc. #214). On March 3, 2025, Judge Morris filed the instant Report and Recommendation. (Doc. #215). The deadline to file objections has passed and Defendant has not filed any objections. The Court, after an independent review of the record and the applicable law, adopts the Magistrate's Report and Recommendation. Accordingly, it is hereby

ORDERED that the Magistrate's Report and Recommendation be attached to and made part of this Order (Doc. #215). It is further

ORDERED the Court has found, pursuant to 18 U.S.C. § 4241, for the reasons stated in the Report and Recommendation, Defendant Oswaldo Pozo remains incompetent to proceed as a result of a mental disease or defect from which he suffers, and he is unlikely to be restored to competency within the foreseeable future. It is further

ORDERED the Court has found, pursuant to 18 U.S.C. § 4246, for the reasons stated in the Report and Recommendation, that Defendant Oswaldo Pozo is not currently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. It is further

ORDERED the Government's motions seeking further mental evaluation (Docs. #207, #209) are DENIED AS MOOT. It is further

ORDERED that Defendant be released from custody on April 3, 2025. Upon release from custody, Defendant shall be subject to the previously imposed conditions of release (Doc. #33).

IT IS SO ORDERED.

Dated: April 1, 2025

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT